

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q80862

Taichi KOBAYASHI, et al.

Application. No.: 10/817,002

Group Art Unit: 1712

Confirmation No.: 2744

Examiner: Timothy J. KUGEL

Filed: April 5, 2004

For: NEAR-INFRARED ABSORPTION FILM

REQUEST FOR REFUND

MAIL STOP 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

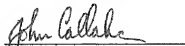
Sir:

Applicant hereby respectfully requests a refund in the amount of \$150.00. This refund is to be credited to Deposit Account No. 19-4880.

The Supplemental Amendment filed May 15, 2006, included one additional dependent claim being added to the claim set, however as an existing dependent claim was cancelled, Applicants do not believe the charge for an additional three dependent claims is appropriate.

A copy of the Supplemental Amendment filed May 15, 2006, and a copy of the May 2006 Patent Office deposit account statement reflecting the disputed charge are enclosed.

Respectfully submitted,



John T. Callahan  
Registration No. 32,607

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 1, 2007



## UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent and Trademark Office

P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

## MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion  
with your check. Make checks payable to "Director of the USPTO."SUGHRUE MION, PLLC  
2100 PENNA AVE N W  
SUITE 800  
WASHINGTON DC 20037

FINA

Account No.	194880
Date	5-31-06
Page	17

PLEASE SEND REMITTANCES TO:  
U.S. Patent and Trademark Office  
P.O. Box 371279  
Pittsburgh, PA 15251-7279

Call the Deposit Account Branch at 571-272-6500 for assistance.

DATE POSTED MO., DAY, YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
5 18 06	1215	10595893	Q-95013	1633	200.00	110855.48
5 18 06	1216	10595893	Q-95013	1615	650.00	110205.48
5 18 06	1290	10857589	Q-81883	1201	200.00	110005.48
5 18 06	1430	78179716	560000/S8043	7004	150.00	109855.48
5 18 06	1622	78886596	S10687	7001	325.00	109530.48
5 18 06	1935	78886748	S10770	7001	325.00	109205.48
5 19 06	1	10498224	082022	1806	180.00	109025.48
5 19 06	3	10817002	080862	1202	150.00	108875.48
5 19 06	12	11318927		9204	-400.00	109275.48
5 19 06	19	10566582		9204	-100.00	109375.48
5 19 06	20	09809273	Q63124	1251	-110.00	109485.48
5 19 06	167	10106252	Q69232	1251	120.00	109365.48
5 19 06	167	11146498	CQ10137	8007	40.00	109325.48
5 19 06	168	10106252	Q69232	1201	200.00	109125.48
5 19 06	171	60693090	P88703	8007	20.00	109105.48
5 19 06	195	11113292	Q85829	8007	20.00	109085.48
5 19 06	196	10923474	15270J-004749US	1253	1020.00	108065.48
5 19 06	197	10923474	15270J-004749US	1806	180.00	107885.48
5 19 06	227	29254515	CQ10178	2051	65.00	107820.48
5 19 06	272	78886972	S10771	7001	650.00	107170.48
5 19 06	298	11435761	Q95072	1011	300.00	106870.48
5 19 06	299	11435761	Q95072	1111	500.00	106370.48
5 19 06	300	11435761	Q95072	1311	200.00	106170.48
5 19 06	301	11435761	Q95072	1202	50.00	106120.48
5 19 06	323	09807608	Q63675	2253	510.00	105610.48
5 19 06	1131	78887428	S10764	7001	325.00	105285.48
5 19 06	1179	09736298	Q62303	1251	120.00	105165.48
5 19 06	1216	78887474	S10772	7001	325.00	104840.48
5 19 06	1834	76395433	S6561	7004	150.00	104690.48
5 19 06	2046	78585264	S9595	7003	100.00	104590.48
5 22 06	1	11350012	Q93163	1051	130.00	104460.48
5 22 06	1	09838341	Q64162	1252	450.00	104010.48
5 22 06	2	10838227	Q81319	1201	200.00	103810.48
5 22 06	3	09918500	Q65512	1201	200.00	103610.48
5 22 06	3	10557736	Q91611	1616	360.00	103250.48
5 22 06	4	11230269	Q90184	1255	2160.00	101090.48
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT			OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q80862

Taichi KOBAYASHI, et al.

Appln. No.: 10/817,002

Group Art Unit: 1712

Confirmation No.: 2744

Examiner: Timothy J. Kugel

Filed: April 5, 2004

For: NEAR-INFRARED ABSORPTION FILM

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.111**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated October 21, 2005, please amend the above-identified application as follows on the accompanying pages. A petition for a two-month extension of time was previously submitted on March 21, 2006, which extended the due date for response to March 21, 2006. A copy of the petition is submitted herewith.

**TABLE OF CONTENTS**

AMENDMENTS TO THE CLAIMS .....	2
REMARKS .....	13

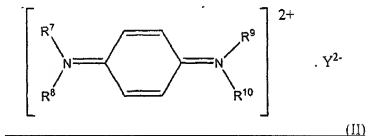
### AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

#### LISTING OF CLAIMS:

1. (currently amended): A near-infrared absorption film having a base film and a near-infrared absorption layer formed on the base film, wherein

the near-infrared absorption layer ~~contains a diimmonium compound~~ is at least one compound represented by formulae (II):



where each of R<sup>7</sup> through R<sup>10</sup> is at least one selected from a group consisting of an alkyl group, an aryl group, a group having aromatic ring, a hydrogen atom, and a halogen atom, X<sup>-</sup> is a monovalent anion, and Y<sup>2-</sup> is a divalent anion, and

wherein the diimmonium compound which has an endothermic peak of 220°C or more, determined from differential scanning calorimetry (DSC measurement) with temperature rising rate of 10°C/minute.

2. (original): A near-infrared absorption film as claimed in claim 1, wherein the diimmonium compound has an endothermic peak from 225°C to 240°C, determined from the differential scanning calorimetry (DSC measurement) with temperature rising rate of 10°C/minute.

3. (canceled).

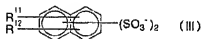
4. (currently amended): A near-infrared absorption film as claimed in claim 3, wherein the monovalent anion represented by X ~~may be~~ is a halogen ion ~~such as~~ is  $\text{I}^-$ ,  $\text{Cl}^-$ ,  $\text{Br}^-$  or  $\text{F}^-$ ; an inorganic acid ion, ~~such as~~ is  $\text{NO}_3^-$ ,  $\text{BF}_4^-$ ,  $\text{PF}_6^-$ ,  $\text{ClO}_4^-$  or  $\text{SbF}_6^-$ ; an organic carboxylic acid ion ~~such as~~ is  $\text{CH}_3\text{COO}^-$ ,  $\text{CF}_3\text{COO}^-$ , or a benzoic acid ion  $[\text{C}_6\text{H}_5\text{COO}]^-$ ; an organic sulfonic acid ion ~~such as~~ is  $\text{CH}_3\text{SO}_3^-$ ,  $\text{CF}_3\text{SO}_3^-$ , a benzenesulfonic acid ion, or a naphthalenesulfonic acid ion.

5. (currently amended): A near-infrared absorption film as claimed in claim 3, wherein the divalent anion represented by  $\text{Y}^{2-}$  ~~is preferably~~ is an aromatic disulfonic acid ion having two sulfonic acid groups and specific examples of the divalent anion are an ion of naphthalenedisulfonic acid derivatives such as naphthalene-1,5-disulfonic acid, R-acid, G-acid, H-acid, benzoyl H-acid (a benzoyl group being attached to an amino group of H-acid), p-chlorobenzoyl H-acid, p-toluenesulfonyl H-acid, chloro H-acid (an amino group of H-acid being replaced with a chlorine atom), chloroacetyl H-acid, metanyl  $\gamma$ -acid, 6-sulfonaphthyl  $\gamma$ -acid, G-acid, c-acid, p-toluenesulfonyl R-acid, naphthalene-1,6-disulfonic acid or 1-naphthol-4,8-disulfonic acid; carbonyl J-acid, 4,4-diaminostilbene-2,2'-disulfonic acid, di-J-acid, naphthalene acid, naphthalene-2,3-dicarboxylic acid, diphenic acid, stilbene-4,4'-dicarboxylic acid, 6-sulfo-2-oxy-3-naphthoic acid, anthraquinone-1,8-disulfonic acid, 1,6-diaminoanthraquinone-2,7-

disulfonic acid, 2-(4-sulfophenyl)-6-aminobenzotriazole-5-sulfonic acid, 6-(3-methyl-5-pyrazolonyl)-naphthalene-1,3-disulfonic acid, 1-naphthol-6-(4-amino-3-sulfo)anilino-3-sulfonic acid.

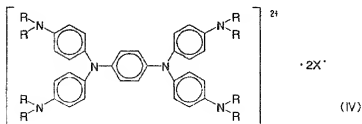
6. (previously presented): A near-infrared absorption film as claimed in claim 5, wherein the divalent anion represented by  $Y^{2-}$  is an naphthalenedisulfonic acid ion.

7. (withdrawn): A near-infrared absorption film as claimed in claim 6, wherein the naphthalenedisulfonic acid ion is represented by the following formula (III):



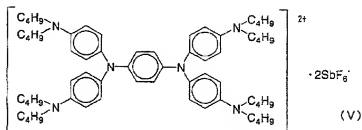
where each of  $R^{11}$  and  $R^{12}$  is at least one selected from a group consisting of a lower alkyl group, a hydroxyl group, an alkylamino group, an amino group,  $-\text{NHCOR}^{13}$ ,  $-\text{NHSO}_2\text{R}^{13}$ ,  $-\text{OSO}_2\text{R}^{13}$  [()], where  $R^{13}$  is at least one selected from a group consisting of aryl groups and alkyl groups,  $R^{13}$  may have substituent(s), an acetyl group, a hydrogen atom, and a halogen atom.

8. (withdrawn): A near-infrared absorption film as claimed in claim 1 or 2, wherein the diimmonium compound is represented by the following formula (IV):



where R is an alkyl group having 1 to 8 carbon atoms, preferably a n-butyl group, and  $X^-$  as the monovalent anion is preferably  $BF_4^-$ ,  $PF_6^-$ ,  $ClO_4^-$ , or  $SbF_6^-$ .

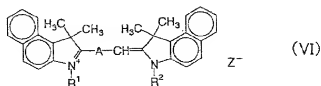
9. (withdrawn): A near-infrared absorption film as claimed in claim 8, wherein the diimmonium compound is represented by the following formula (V):



10. (previously presented): A near-infrared absorption film as claimed in claim 1, wherein the near-infrared absorption layer contains 0.1% to 10% by weight of diimmonium compound.

11. (withdrawn): A near-infrared absorption film as claimed in claim 1, wherein the near-infrared absorption layer contains at least one selected from a group consisting of a cyanine compound, a phthalocyanine compound, a naphthalocyanine compound, and a nickel complex compound.

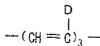
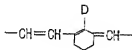
12. (withdrawn): A near-infrared absorption film as claimed in claim 11, wherein the cyanine compound is a compound represented by the following formula (VI):



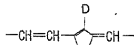
Appl. No.: 10/817,002  
Supplemental Amendment under 37 C.F.R. § 1.111

where A is a divalent conjugating group containing an ethylene group, each of R<sup>1</sup> and R<sup>2</sup> is a monovalent group having carbon atom(s), and Z<sup>-</sup> is a monovalent anion.

13. (withdrawn): A near-infrared absorption film as claimed in claim 12, wherein A is:



or



where D is one of an alkyl group, diphenyl amino group, a halogen atom, and hydrogen atom.

14. (withdrawn): A near-infrared absorption film as claimed in claim 12 or 13, wherein each of R<sup>1</sup> and R<sup>2</sup> is an alkyl group, an aryl group, an alkoxy group, an alkoxy carbonyl group, a sulfonyl alkyl group, or a cyano group.

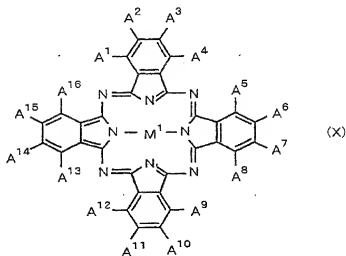
15. (withdrawn): A near-infrared absorption film as claimed in claim 12 or 13, wherein Z<sup>-</sup> is I<sup>-</sup>, Br<sup>-</sup>, ClO<sub>4</sub><sup>-</sup>, or BF<sub>4</sub><sup>-</sup>, PF<sub>6</sub><sup>-</sup>, SbF<sub>6</sub><sup>-</sup>, CH<sub>3</sub>SO<sub>4</sub><sup>-</sup>, NO<sub>3</sub><sup>-</sup>, or CH<sub>3</sub>-CH<sub>2</sub>H<sub>4</sub>-SO<sub>3</sub><sup>-</sup>.



16. (withdrawn): A near-infrared absorption film as claimed in claim 12, wherein the near-infrared absorption layer contains 50 parts by weight or less of the cyanine compound relative to 100 parts by weight of said diimmonium compound.

17. (withdrawn): A near-infrared absorption film as claimed in claim 12, wherein the near-infrared absorption layer contains from 0.1 to 50 parts by weight of the cyanine compound relative to 100 parts by weight of said diimmonium compound.

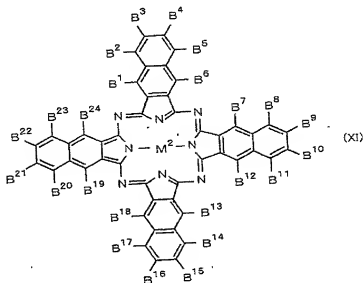
18. (withdrawn): A near-infrared absorption film as claimed in claim 11, wherein the phthalocyanine compound is represented by the following formula (X):



where A<sup>1</sup> through A<sup>16</sup> each represent independently either one of the followings, i.e. a hydrogen atom, a halogen atom, a hydroxyl group, an amino group, a hydroxysulfonyl group, an aminosulfonyl group, or a substituent having from 1 to 20 carbon atoms, the substituent having from 1 to 20 carbon atoms may contain either one of the followings, i.e. a nitrogen atom, a sulfur atom, an oxygen atom, and a halogen atom, and adjacent two substituents may be bonded to each

other via a conjugating group, wherein each of at least four of A<sup>1</sup> through A<sup>16</sup> is at least either one of a substituent via sulfur atom and a substituent via nitrogen atom, and M<sup>1</sup> is either one of the followings, i.e. two hydrogen atoms, a divalent metallic atom, a trivalent or quadrivalent substituted metallic atom, and an oxy metal.

19. (withdrawn): A near-infrared absorption film as claimed in claim 11, wherein the naphthalocyanine compound is represented by the following formula (XI):



where B<sup>1</sup> through B<sup>24</sup> each represent independently either one of the followings, i.e. a hydrogen atom, a halogen atom, a hydroxyl group, an amino group, a hydroxysulfonyl group, an aminosulfonyl group, or a substituent having from 1 to 20 carbon atoms, the substituent having from 1 to 20 carbon atoms may contain a nitrogen atom, a sulfur atom, an oxygen atom, and a halogen atom, adjacent two substituents may be bonded to each other via a conjugating group, wherein each of at least four of B<sup>1</sup> through B<sup>24</sup> is at least either one of a substituent via oxygen

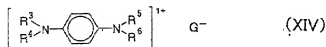
atom, a substituent via sulfur atom, a substituent via nitrogen atom, and  $M^2$  is either one of the followings, i.e. two hydrogen atoms, a divalent metallic atom, a trivalent or quadrivalent substituted metallic atom, and an oxy metal.

20. (withdrawn): A near-infrared absorption as claimed in claim 1, wherein the near-infrared absorption layer contains a quencher compound.

21. (withdrawn): A near-infrared absorption as claimed in claim 20, wherein the quencher compound is a metallic compound represented by the following formula (XII) or (XIII), or an 20 aminium compound represented by the following formula (XIV):



in the formulae (XII) and (XIII), M is Ni, Cu, Co, Pt, or Pd;

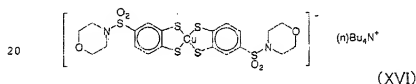
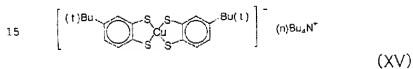


25

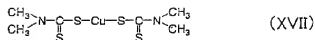
in the formula (XIV), each of  $R^3$  through  $R^6$  is at least one selected from a group consisting of an alkyl group, an aryl group, a group having aromatic ring, a hydrogen atom, and a halogen atom.  $G^-$  is  $I^-$ ,  $Br^-$ ,  $ClO_4^-$ , or  $BF_4^-$ ,  $PF_6^-$ ,  $SbF_6^-$ ,  $CH_3SO_4^-$ ,  $NO_3^-$ , or  $CH_3-C_6H_4-SO_3^-$ .

22. (withdrawn): A near-infrared absorption film as claimed in claim 21, wherein the metallic compound represented by the formula (XII) is a 1,2-benzenethiol copper complex compound or a 1,2-benzenethiol nickel complex compound.

23. (withdrawn): A near-infrared absorption film as claimed in claim 22, wherein 1,2-benzenedithiol copper complex compound is represented by formula (XV) or (XVI):



24. (withdrawn): A near-infrared absorption film as claimed in claim 21, wherein the metallic compound represented by the formula (XIII) is a complex represented by the following formula (XVII):



25. (withdrawn): A near-infrared absorption film as claimed in any one of claims 20 through 24, wherein the near-infrared absorption layer contains 100 parts by weight or less of the quencher compound relative to 100 parts by weight of the diimmonium compound.

26. (previously presented): A near-infrared absorption film as claimed in claim 1, wherein the near-infrared absorption layer contains a binder resin.

27. (original): A near-infrared absorption film as claimed in claim 25, wherein the binder resin is polyester resin, acrylic resin, methacrylic resin, urethane resin, silicone resin, phenol resin, or a homopolymer or copolymer of (meth) acrylic acid ester.

28. (currently amended): A near-infrared absorption film as claimed claim 1, wherein the near-infrared absorption layer further contains a near-infrared absorbent (e.g. near-infrared absorbents of azo-series, polymethine-series, diphenylmethane-series, triphenylmethane-series, and quinine-series), an antioxidant other than the quencher compound (e.g. antioxidants of phenol-series, amine-series, hindered bisphenol-series, hindered amine-series, sulfur-series, phosphoric acid-series, phosphorous acid-series, and metallic complex-series), an UV absorbent, and a colorant, a pigment, and a dye for improving the appearance of the film.

29. (previously presented): A near-infrared absorption film as claimed in claim 1, wherein the thickness of near-infrared absorption layer is from 0.5  $\mu\text{m}$  to 50 $\mu\text{m}$ .

30. (previously presented): A near-infrared absorption film as claimed in claim 1, wherein the base film -is made of a synthetic resin.

31. (currently amended): A near-infrared absorption film as claimed in claim 30, wherein the synthetic resin is ~~polyolefine~~ polyolefin resin ~~such as polyethylene and polypropylene, polyester resin, acrylic resins, cellulose resin, polyvinylchloride resin, polycarbonate resin, phenol resin, or urethane resin.~~

32. (previously presented): A near-infra red absorption film as claimed in claim 1, wherein the base film has a thickness from 50  $\mu\text{m}$  to 200  $\mu\text{m}$ .

33. (new): A near-infrared absorption film as claimed in claim 1, wherein the divalent anion represented by  $\text{Y}^{2-}$  is naphthalene-1,5-disulfonic acid, R acid, G acid, H acid, benzoyl H acid (a benzoyl group being attached to an amino group of H acid), p-chlorobenzoyl H acid, p-toluenesulfonyl H acid, chloro H acid (an amino group of H acid being replaced with a chlorine

atom), chloroacetyl H acid, metanyl  $\gamma$  acid, 6-sulfonaphthyl- $\gamma$  acid, C acid,  $\epsilon$  acid, p-toluenesulfonyl R acid, naphthalene-1,6-disulfonic acid or 1-naphthol-4,8-disulfonic acid; carbonyl J acid, 4,4-diaminostilbene-2,2'-disulfonic acid, di-J acid, naphthalic acid, naphthalene-2,3-dicarboxylic acid, diphenic acid, stilbene-4,4'-dicarboxylic acid, 6-sulfo-2-oxy-3-naphthoic acid, anthraquinone-1,8-disulfonic acid, 1,6-diaminoanthraquinone-2,7-disulfonic acid, 2-(4-sulfophenyl)-6-aminobenzotriazole-5-sulfonic acid, 6- (3-methyl-5-pyrazolonyl) -naphthalene-1,3-disulfonic acid, 1-naphthol-6-(4-amino-3-sulfo)anilino-3-sulfonic acid

**REMARKS**

Claim 33 has been added and is directed to the subject matter previously in claim 5.

Claim 1 has been amended to include the recitations of claim 3, which has been canceled.

Upon entry of the Amendment, claims 1-2, and 4-33 are pending in the application.

Claims 7-9 and 11-25 have been withdrawn from consideration.

The Examiner has acknowledged Applicants' claim for foreign priority based on PCT/JP02/10252. However, the Examiner notes that he has not received a certified copy of the priority document as required under 35 U.S.C. § 119(b).

According to Mr. Paul Bell of the Legal Administration Office of the PCT Branch of the PTO, when an examiner has not received a certified copy of a priority document that was filed during the international stage, the examiners have been instructed to call the PCT Branch (which will then send the document to the examiner by e-mail). In the rare instance where the PCT Branch did not receive a priority document which was filed during the international stage, the PCT Branch will obtain the document from the International Office (WIPO), and e-mail it to the US examiner. Thus, Applicants request that the Examiner call the PCT Branch and request a certified copy of the priority document.

The Examiner asserts that the references JP 10-180922, JP 11-316309, JP 2001-174626, and JP 11-133868 listed in the PTO SB/08 Form submitted with the Information Disclosure Statement filed April 5, 2004 fail to comply with the provisions of 37 C.F.R. § 1.97 and 1.98 because the references are in Japanese.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants submitted a copy of the International Search Report indicating the degree of relevance found in the foreign patent office. Therefore, the Examiner should have initialed all the references listed in the PTO SB/08 Form submitted with the Information Disclosure Statement filed April 5, 2004 and Applicants respectfully request that the Examiner do so.

Claim 31 has been objected to because the word "polyolefine" should be "polyolefin."

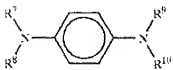
Applicants have amended claim 31 in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection.

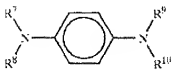
Claims 3-6, 27, 28 and 31 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

The Examiner asserts that in the phrase in claim 3, "...wherein the diimmonium compound is at least one of...", the article 'the' implies a single diimmonium compound, while the phrase 'at least one' implies the possibility of multiple diimmonium compounds.

Applicants have canceled claim 3. Accordingly, the rejection of claim 3 is moot.

Additionally, the Examiner asserts that it is unclear how the cation of claim 3 is formed



because the species  should be neutral based on the trivalent nitrogen atom shown.



It appears that there is an error in formulas (I) and (II) in claim 3 and that each nitrogen atom should have 4 bonds, which would result in a +2 valence (see the Examiner's comments on page 6 of the Office Action).

"An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of error in the specification, but also the appropriate correction." *In re Oda*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971). Applicants submit that one skilled in the art would not only recognize the existence of the error in formulas (I) and (II), but would also recognize the appropriate correction. Therefore, the amendment to formulas (I) and (II) is not new matter. Reconsideration and withdrawal of the rejection is respectfully requested.

With respect to claims 4, 5, 28 and 31, the Examiner asserts that the phrase "such as" renders the claim indefinite.

Applicants have deleted the phrase "such as" from claims 4, 5, 28 and 31. Accordingly, claims 4, 5, 28 and 31 are clear and definite and Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Claims 1-3 have been provisionally rejected under the doctrine of obviousness-type double patenting, as allegedly being unpatentable over claims 1 and 4 of co-pending U.S. Application No. 10/696,312.

While Applicants respectfully submit that the present invention is not obvious over the claims of U.S. Application No. 10/696,312, to expedite allowance of the present Application, Applicants are submitting herewith a terminal disclaimer to obviate the obviousness-type double

patenting rejection over the claims of U.S. Application No. 10/696,312. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Claims 1-4, 10 and 26-32 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent Publication No. 2001/0005278 to Onomichi et al. ("Onomichi").

Claim 1 has been amended to include formula (II) in claim 3, which has been canceled. Applicants submit that Onomichi does not disclose or suggest Applicants' formula (II). Therefore, Applicants submit that claim 1 and the claims depending therefrom would not be obvious over Onomichi. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Claims 1-6, 10, and 27-32 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by, or in the alternative under 35 U.S.C. § 103, as allegedly being obvious over U.S. Patent Publication No. 2005/0040378 to Kobayashi et al. ("Kobayashi").

U.S. Publication No. 2005/0040378 ("Kobayashi") is a continuation of PCT/JP02/04350. The PCT application has a filing date of May 1, 2002. The effective § 102(e) date of U.S. Publication No. 2005/0040378 would be May 1, 2002 if the PCT application designated the U.S. and published in English. It does not appear that Kobayashi published in English. Therefore, the § 102(e) date of Kobayashi would be October 30, 2003. The present application was filed on April 5, 2004, but the present application is a continuation of and claims priority from PCT/JP02/10252 filed October 2, 2002, which is earlier in time than the effective filing date of Kobayashi.

Applicants submit herewith a sworn English-language translation of their foreign priority document PCT/JP02/10252 to perfect their claim to priority and remove Kobayashi as prior art. Applicants submit that priority document PCT/JP02/10252 supports the pending claims as shown below:

Claims	Support in PCT/JP02/10252
1	Claim 1 and Claim 3
2	Claim 2
4	Claim 4
5	Claim 5
6	Claim 6
10	Claim 10

In view of the above, Applicants respectfully request that the Examiner withdraw the §103 rejection based on Kobayashi.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Appln. No.: 10/817,002  
Supplemental Amendment under 37 C.F.R. § 1.111

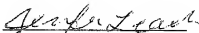
The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**  
CUSTOMER NUMBER

  
Jennifer R. Leach  
Registration No. 54,257

Date: May 15, 2006